IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 1526 of 2005

Between:

1.Tellapti Subbarayudu, S/o. T. Venkata Subbaiah,
R/o. Rangayapalli Village, Nandalur Mandal, Cuddapah District.
2.Smt. Veluri Chinnamma, W/o. Late V.Veeraiah,
R/o. Rangayapalli Village, Nandalur Mandal, Cuddapah District.
3.Veluri Venkata Ramana, W/o. Late V.Veeraiah,
R/o. Rangayapalli Village, Nandalur Mandal, Cuddapah District.

..... PETITIONERS

AND

1 The Joint Collector, Special Collector L.A., Somasila Projects, Rajampet,

Cuddapah District.
2 The Special Deputy Collector L.A., Somasila Projects, Rajampet, Cuddapah

District.
3 The Mandal Revenue Officer, Nandalur, nandalur Mandal,
Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction more particularly one in the nature of Writ of Mandamus directing the 2nd respondent to initiate action under the land Acquisition At by issuing a Draft Notification and Draft declaration consequently pass an award and pay the petitioners, the difference amount between the so passed award and the Ex-gratia paid to the petitioners.

Counsel for the Petitioners: MR.J.SURESH BABU

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court at the admission stage made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.1526 OF 2005

ORDER :

Heard the learned Counsel for the petitioners and the learned Government Pleader appearing for the respondents.

The petitioners, 3 in number seek a direction to the second respondent – Special Deputy Collector (L.A.), Somasila Projects, Cuddapah District to initiate necessary action under the provisions of The Land Acquisition Act, 1894 (for short, 'the Act') and consequently to pass award under the said Act by fixing compensation to which the petitioners are entitled to.

The case of the petitioners is that the land belonging to them to an extent of Ac.1-70 cents in Sy.No.253 of Rangayapalli Village, Nandalur Mandal, Cuddapah District was submerged due to the construction of Somasila Project. However, they were not paid compensation under the provisions of the Act , but were only paid exgratia for the structures in the lands, treating the said lands as assigned lands.

The plea of the petitioners is that the said lands are their patta lands, but not assigned lands and therefore they are entitled to compensation under the provisions of the Act. Accordingly, by representation dated 11-02-2004 they requested the 3rd respondent to verify the status of the lands so as to enable them to receive the compensation under the Act. In pursuance thereof, the third respondent by proceedings dated 16-02-2004 recommended to the second respondent to publish draft notification and draft declaration under the Act holding that the lands in question are patta lands, but not D.K.T. lands. In turn, the second respondent by proceedings dated 20-05-2004 addressed to the first respondent requesting to clarify whether the lands in question form part of the patta lands, however, the 1st respondent has not responded so far. Hence, this writ petition seeking a Writ of Mandamus directing the second respondent to initiate action under the provisions of the Act and to pay the compensation to which the petitioners are entitled to under the provisions of the Act.

The petitioners contend that the land in question situated in Sy.No.253 was erroneously excluded earlier from the notification under the Act. It is also contended that the failure on the part of the respondents to pay compensation under the provisions of the Act in spite of the fact that the third respondent – Mandal Revenue Officer in his proceedings dated 16-02-2004 found that the said lands are patta lands, is arbitrary and illegal. Since admittedly, the claim made by the petitioners for payment of compensation under the provisions of the Act as recommended by the third respondent by proceedings dated 16-2-2004 as well as the second respondent by proceedings dated 20-05-2004 are pending before the first respondent, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to consider the request of the petitioners and pass appropriate orders in accordance with law on the basis of the recommendations / reports of the respondents 2 and 3 as expeditiously as possible preferably within a period of three months from the date of receipt of this order.

The Writ Petition is accordingly disposed of. No costs.

03rd February, 2005.

gbs

To

1 The Joint Collector, Special Collector L.A., Somasila Projects, Rajampet,

Cuddapah District.
2 The Special Deputy Collector L.A., Somasila Projects, Rajampet, Cuddapah

District.
3 The Mandal Revenue Officer, Nandalur, nandalur Mandal,
Cuddapah District.

4 2CCs to the G.P. for Land Acquisition, High Court Buildings, Hyderabad

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